

ESTTA Tracking number: **ESTTA369200**

Filing date: **09/20/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	TBC TRADEMARKS, LLC
Granted to Date of previous extension	09/19/2010
Address	2215 B RENAISSANCE DRIVE LAS VEGAS, NV 89119 UNITED STATES
Attorney information	MARSHA G. GENTNER JACOBSON HOLMAN PLLC 400 - 7TH STREET N.W. WASHINGTON, DC 20004 UNITED STATES trademark@jhip.com, mgentner@jhip.com, mcuccias@jhip.com, joyhenart@jhip.com Phone:202-638-6666

Applicant Information

Application No	77618396	Publication date	03/23/2010
Opposition Filing Date	09/20/2010	Opposition Period Ends	09/19/2010
International Registration No.	NONE	International Registration Date	NONE
Applicant	Versatrac Industries Inc. 145, rue De La Defense-Nationale Saint-Raymond (Quebec), G3L4Y4 CANADA		


Goods/Services Affected by Opposition


Class 007. All goods and services in the class are opposed, namely: Hydraulic power units for heavy equipments, namely, excavators, loaders, bulldozers, crawler tractors, skid steers, skidders, harvesters, forwarders, agricultural tractors, construction tractors, and crawler carriers
Class 012. All goods and services in the class are opposed, namely: All-terrain vehicles, namely, tracked carriers for mulching; all-terrain vehicles, namely, carriers on wheels for mulching; all-terrain vehicles, namely, carriers on wheels

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3285405	Application Date	01/31/2007
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	V		
Design Mark			
Description of Mark	The mark consists of the stylized letter V inside a stylized circle.		
Goods/Services	Class 012. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 LAND VEHICLE PARTS, NAMELY, WHEELS		

U.S. Registration No.	3285375	Application Date	01/12/2007
Registration Date	08/28/2007	Foreign Priority Date	NONE
Word Mark	V LINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 Land vehicle parts, namely, wheels		


Attachments	77095923#TMSN.jpeg (1 page)(bytes) 77082168#TMSN.jpeg (1 page)(bytes) I-6253 Notice of Opposition.pdf (21 pages)(665193 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Matthew J. Cuccias/
Name	Matthew J. Cuccias
Date	09/20/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TBC TRADEMARKS, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
VERSATRAC INDUSTRIES, INC.)	Application Serial No.
)	77/618,396 – 
Applicant.)	
)	

NOTICE OF OPPOSITION

In the matter of an application to register a trademark under the Trademark Act of 1946, namely, Serial No. 77/618,396, filed November 20, 2008, in the name of Versatrak Industries, Inc., published for opposition in the TRADEMARK OFFICIAL GAZETTE of March 23, 2010, Volume 1352, No. 4, at page TM 89, for the mark “V” (stylized), the Opposer, TBC Trademarks, LLC, believes it will be damaged by registration of said alleged trademark, and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, TBC Trademarks, LLC, is a limited liability company duly organized and existing under the laws of the State of Delaware, and having its place of business at 2215 B Renaissance Drive, Las Vegas, Nevada 89119. Opposer, through its related company, TBC Corporation of Palm Beach Gardens, Florida, and other affiliated companies, distributes and sells, in commerce, a variety of vehicle parts, including wheel and tires, and operates a franchised system of retail stores. (Opposer and its related company, TBC Corporation, and related companies, hereafter collectively are referred to as “TBC”).

2. Commencing prior to the filing date of the application opposed herein, TBC has, and is now, engaged in the distribution and sale of vehicle parts, in commerce in the United States, under and in connection with the trademark **VLINE** and a stylized “V” Logo (collectively, Opposer’s “V” Mark”). TBC continuously has used said Opposer’s “V” Mark, in commerce in connection with vehicle parts, produced, advertised, distributed, marketed, offered for sale, and sold by TBC, and to identify and designate same, and to distinguish those goods, and TBC’s business, from those of others.

3. Opposer TBC is the owner of, and will rely upon, the following U.S. trademark registrations:

<i>REGISTRATION NO.</i>	<i>ISSUE DATE</i>
3,285,405	August 28, 2007
3,285,375	August 28, 2007

Said registrations are valid and subsisting, and constitute *prima facie* evidence of Opposer TBC’s ownership of Opposer’s “V” Mark, and exclusive right to use same in commerce in connection with the goods set forth in said registrations. Attached hereto as Exhibits 1 and 2 are printouts of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of these registrations.

4. Since Opposer’s initial use of Opposer’s “V” Mark, TBC has used, and advertised, produced, offered and sold its vehicle parts under and in connection with said mark(s) to the public, through various channels of trade, and in commerce, with the result that TBC’s customers and the public in general have come to know and recognize said mark(s) of Opposer, and associate same with Opposer, and/or goods produced, advertised, marketed, distributed, and sold directly or

indirectly by Opposer TBC. Opposer thus has built up goodwill in connection with the sale of its goods under Opposer's "V" Mark.

5. On November 20, 2008, Applicant filed an application to register the mark "V" (stylized). Said application was accorded Serial No. 77/618,396, and was published in the TRADEMARK OFFICIAL GAZETTE of March 23, 2010. The application states that the "mark consists of the letter 'V' in stylized text." The goods are identified as follows:

hydraulic power units for heavy equipments, namely, excavators, loaders, bulldozers, crawler tractors, skid steers, skidders, harvesters, forwarders, agricultural tractors, construction tractors, and crawler carriers (Class 7); and

all-terrain vehicles, namely, tracked carriers for mulching; all-terrain vehicles, namely, carriers on wheels for mulching; all-terrain vehicles, namely, carriers on wheels (Class 12).

6. The "V" (stylized) mark sought to be registered by Applicant is a colorable imitation of, so resembles, and/or is confusingly similar to, Opposer's prior and aforesaid "V" Mark as to be likely, when used in connection with the goods of Applicant, to cause confusion or mistake or to deceive.

7. On information and belief, the goods set forth in the application opposed herein are similar and/or related to the goods in connection with which TBC uses Opposer's "V" Mark, and on information and belief, the goods set forth in the opposed application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which TBC's goods are marketed and/or sold.

8. The registration and/or use of the "V" (stylized) mark, as set forth in the opposed application, is likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's goods sold under the "V" (stylized) mark sought to be registered by

Applicant *vis-a-vis* Opposer and/or Opposer's "V" Mark, and/or to mislead purchasers of Applicant's and/or Opposer's goods, and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with TBC, and/or Opposer's "V" Mark, or products, or *vice versa*, to the damage and detriment of TBC.

9. By virtue of the foregoing, TBC believes it will be damaged by the registration by Applicant of the "V" (stylized) mark, as set forth in application Serial No 77/618,396.

10. If Applicant is granted the registration opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer, its "V" Mark, and its business.

WHEREFORE, this Opposer, TBC Trademarks, LLC, believes and alleges that it will be damaged by registration of the "V" (stylized) mark of application Serial No. 77/618,396, as aforesaid, and prays that:

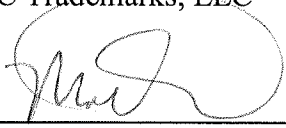
- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and
- C. registration of application Serial No. 77/618,396 be rejected and refused.

Should the payment accompanying the Notice of Opposition be insufficient, the Board is hereby authorized to charge counsel's deposit Account No. 06-1358.

Respectfully submitted,

TBC Trademarks, LLC

By:


Marsha G. Gentner
Matthew J. Cuccias
JACOBSON HOLMAN, PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Dated: September 20, 2010
Atty. Dkt. Nos. I-6253

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2010, the foregoing Notice of Opposition was served by first-class mail, postage prepaid, on the following correspondent as set forth in the records of the U.S. Patent and Trademark Office:

Edward Lane, Esq.
Equinox
1500 du College, suite 410
Saint-Laurent (Quebec)
H4L 5G6 Canada

With a courtesy copy of the foregoing sent by email to:

Shirlee Biron: sbiron@proequinox.com
Denis Tremblay: dtremblay@proequinox.com



Exhibit 1



United States Patent and Trademark Office

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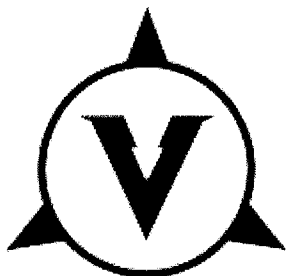
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Word Mark	V
Goods and Services	IC 012. US 019 021 023 031 035 044. G & S: LAND VEHICLE PARTS, NAMELY, WHEELS. FIRST USE: 20050500. FIRST USE IN COMMERCE: 20050500
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded. 26.05.14 - Three triangles; Triangles, exactly three triangles 26.05.21 - Triangles that are completely or partially shaded
Trademark Search Facility Classification Code	LETS-1 V A single letter, multiples of a single letter or in combination with a design SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles
Serial Number	77095923
Filing Date	January 31, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 12, 2007
Registration Number	3285405
Registration Date	August 28, 2007
Owner	(REGISTRANT) TBC Brands, LLC LIMITED LIABILITY COMPANY DELAWARE Suite 5 2215 B Renaissance Drive Las Vegas NEVADA 89119

(LAST LISTED OWNER) TBC TRADEMARKS, LLC LIMITED LIABILITY COMPANY DELAWARE
2215 B RENAISSANCE DRIVE SUITE 5 LAS VEGAS NEVADA 89119

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	MARSHA G. GENTNER
Description of Mark	The mark consists of the stylized letter V inside a stylized circle.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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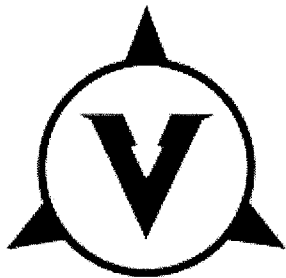
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Serial Number: 77095923 Assignment Information Trademark Document Retrieval

Registration Number: 3285405

Mark



(words only): V

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-08-28

Filing Date: 2007-01-31

Transformed into a National Application: No

Registration Date: 2007-08-28

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-08-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TBC TRADEMARKS, LLC

Address:

TBC TRADEMARKS, LLC
2215 B RENAISSANCE DRIVE SUITE 5
LAS VEGAS, NV 89119
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 012
Class Status: Active
LAND VEHICLE PARTS, NAMELY, WHEELS
Basis: 1(a)
First Use Date: 2005-05-00
First Use in Commerce Date: 2005-05-00

ADDITIONAL INFORMATION

Description of Mark: The mark consists of the stylized letter V inside a stylized circle.

Design Search Code(s):
26.01.21 - Circles that are totally or partially shaded.
26.05.14 - Three triangles; Triangles, exactly three triangles
26.05.21 - Triangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-11-18 - Automatic Update Of Assignment Of Ownership
2009-11-11 - Automatic Update Of Assignment Of Ownership
2007-08-28 - Registered - Principal Register
2007-06-12 - Published for opposition
2007-05-23 - Notice of publication
2007-04-12 - Law Office Publication Review Completed
2007-04-12 - Assigned To LIE

2007-03-21 - Approved for Pub - Principal Register (Initial exam)

2007-03-20 - Non-final action e-mailed

2007-03-20 - Non-Final Action Written

2007-03-14 - Assigned To Examiner

2007-02-20 - TEAS Voluntary Amendment Received

2007-02-06 - Notice Of Design Search Code Mailed

2007-02-05 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MARSHA G. GENTNER

Correspondent

MARSHA G. GENTNER

JACOBSON HOLMAN PLLC

400 7TH ST NW STE 600

WASHINGTON, DC 20004-2218

Phone Number: 202-638-6666

Fax Number: 202-393-5350



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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [77095923](#)

Filing Dt: 01/31/2007

Reg #: [3285405](#)

Reg. Dt: 08/28/2007

Registrant: TBC Brands, LLC

Mark: V

Assignment: 1

Reel/Frame: [4092/0238](#)

Received: 11/06/2009

Recorded: 11/06/2009

Pages: 7

Conveyance: CHANGE OF NAME

Assignor: [TBC BRANDS, LLC](#)

Formerly: FORMERLY TBC BRANDS, LLC

Exec Dt: 10/01/2009

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Assignee: [TBC TRADEMARKS, LLC](#)

2215 B RENAISSANCE DRIVE

SUITE 5

LAS VEGAS, NEVADA 89119

Correspondent: MARSHA G. GENTNER

400 SEVENTH STREET, N.W.

6TH FLOOR

WASHINGTON, DC 20004

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Int. Cl.: 12

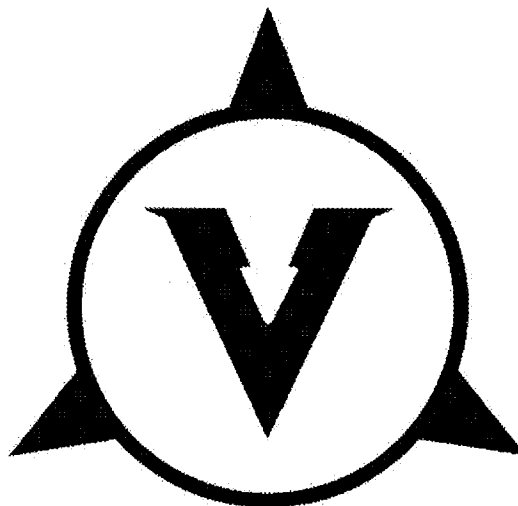
Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

United States Patent and Trademark Office

Reg. No. 3,285,405

Registered Aug. 28, 2007

**TRADEMARK
PRINCIPAL REGISTER**



TBC BRANDS, LLC (DELAWARE LTD LIAB CO)
SUITE 5
2215 B RENAISSANCE DRIVE
LAS VEGAS, NV 89119

FIRST USE 5-0-2005; IN COMMERCE 5-0-2005.

THE MARK CONSISTS OF THE STYLIZED LETTER V INSIDE A STYLIZED CIRCLE.

FOR: LAND VEHICLE PARTS, NAMELY, WHEELS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

SER. NO. 77-095,923, FILED 1-31-2007.

KEVON CHISOLM, EXAMINING ATTORNEY

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TBC TRADEMARKS, LLC

Opposer,

v.

VERSATRAC INDUSTRIES, INC.

Applicant.

)
)
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)
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)
)
)
)
)
)

Opposition No. _____

Application Serial No.

77/618,396 –



NOTICE OF OPPOSITION

Exhibit 2



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V LINE

Word Mark	V LINE
Goods and Services	IC 012. US 019 021 023 031 035 044. G & S: Land vehicle parts, namely, wheels. FIRST USE: 20050500. FIRST USE IN COMMERCE: 20050500
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	LETS-1 V A single letter, multiples of a single letter or in combination with a design NUM-5 The number 5 or the word Five
Serial Number	77082168
Filing Date	January 12, 2007
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 12, 2007
Registration Number	3285375
Registration Date	August 28, 2007
Owner	(REGISTRANT) TBC Brands, LLC LIMITED LIABILITY COMPANY DELAWARE Suite 5 2215 B Renaissance Drive Las Vegas NEVADA 89119

(LAST LISTED OWNER) TBC TRADEMARKS, LLC LIMITED LIABILITY COMPANY DELAWARE
2215 B RENAISSANCE DRIVE SUITE 5 LAS VEGAS NEVADA 89119

**Assignment
Recorded** ASSIGNMENT RECORDED
**Attorney of
Record** Marsha G. Gentner
Type of Mark TRADEMARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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Serial Number: 77082168 Assignment Information Trademark Document Retrieval

Registration Number: 3285375

Mark

V LINE

(words only): V LINE

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-08-28

Filing Date: 2007-01-12

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2007-08-28

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-08-28

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TBC TRADEMARKS, LLC**Address:**

TBC TRADEMARKS, LLC
2215 B RENAISSANCE DRIVE SUITE 5
LAS VEGAS, NV 89119
United States

Legal Entity Type: Limited Liability Company**State or Country Where Organized:** Delaware

GOODS AND/OR SERVICES**International Class:** 012**Class Status:** Active

Land vehicle parts, namely, wheels

Basis: 1(a)**First Use Date:** 2005-05-00**First Use in Commerce Date:** 2005-05-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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2007-03-21 - Approved for Pub - Principal Register (Initial exam)

2007-03-20 - Non-final action e-mailed

2007-03-20 - Non-Final Action Written

2007-03-14 - Assigned To Examiner

2007-01-20 - Notice Of Pseudo Mark Mailed

2007-01-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Marsha G. Gentner

Correspondent

MARSHA G. GENTNER
JACOBSON HOLMAN PLLC
400 7TH ST NW FL 6
WASHINGTON, DC 20004-2237
Phone Number: 202-638-6666
Fax Number: 202-393-5350



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Trademark Assignment Abstract of Title

Total Assignments: 1

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Reg. Dt: 08/28/2007

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Mark: V LINE

Assignment: 1

Reel/Frame: [4092/0238](#)

Received: 11/06/2009

Recorded: 11/06/2009

Pages: 7

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Formerly: FORMERLY TBC BRANDS, LLC

Exec Dt: 10/01/2009

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Assignee: [TBC TRADEMARKS, LLC](#)

2215 B RENAISSANCE DRIVE

SUITE 5

LAS VEGAS, NEVADA 89119

Entity Type: LIMITED LIABILITY
COMPANY

Citizenship: DELAWARE

Correspondent: MARSHA G. GENTNER
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WASHINGTON, DC 20004

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Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

United States Patent and Trademark Office

Reg. No. 3,285,375

Registered Aug. 28, 2007

**TRADEMARK
PRINCIPAL REGISTER**

V LINE

TBC BRANDS, LLC (DELAWARE LTD LIAB CO)
SUITE 5
2215 B RENAISSANCE DRIVE
LAS VEGAS, NV 89119

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: LAND VEHICLE PARTS, NAMELY,
WHEELS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35
AND 44).

SER. NO. 77-082,168, FILED 1-12-2007.

FIRST USE 5-0-2005; IN COMMERCE 5-0-2005.

KEVON CHISOLM, EXAMINING ATTORNEY